

TO:

Mary Lipford, Financial Manager, Governor's Office

FROM:

Brian Abraham, General Counsel H

DATE:

April 5, 2018

SUBJECT:

Engagement Agreement with Carey, Scott, Douglas, & Kessler, PLLC for

Investigation

The Governor has authorized me to sign an engagement agreement with Michael Carey of Carey, Scott, Douglas & Kessler, PLLC to be designated as Special Deputy General Counsel for the purposes of conducting an investigation of cabinet-level issues. It is my opinion that because the firm is not being retained to represent the Governor's Office in court, an Attorney General waiver is not required. I have spoken with Anthony Martin, Chief Deputy Attorney General, who concurs in my opinion. Therefore, please process for payment invoices received from this law firm during their engagement.

#### CAREY, SCOTT, DOUGLAS & KESSLER, PLLC 901 Chase Tower 707 Virginia Street, East P. O. Box 913 Charleston, WV 25323

Page: 1

02/28/2018

Account No:

1636-001M

Statement No:

11315

State Capitol 1900 Kanawha Blvd., East Charleston WV 25305

Brian Abraham, General Counsel

Office of the Governor

Attn: Brian Abraham

Special General Counsel - Internal Investigation

I HERESY CERTIFY THAT THE ITEMS LISTED HEREON HAVE BEEN RECEIVED AND APPROVED FOR PAYMENT

TOMPIST

Date Name

Fees

01/26/2018 MW	C Meeting with client regarding new matter.	Hours 1.00	350.00
01/29/2018 MW	C Review multiple newspaper articles regarding Appalachia Development Group; begin review of Guaranteed Loan Program requirements; review primer on NGL's; phone	4.00	050.00
	conference with Brian Abraham.	1.00	350.00
01/31/2018 MW	C Review Excel Participant Code of Ethics.	0.20	70.00
02/01/2018 MW LA	C Telephone call with Brian Abraham. Conference with Mr. Carey regarding new client; conference with Ms. Bradshaw regarding attorney-client agreement; scan, email and mail to Manda with Brian	0.20	n/c
MW	Abraham's office.  Conference with Ms. Smith regarding Secretary of State search; review results; begin review of materials provided	0.10	n/c
LA	by Bray Cary and Brian Abraham.  West Virginia Secretary of State search regarding Appalachia Development Group and other related companies, submit information to Mr. Carey; check Delaware Secretary of State site regarding corporations;	1.00	350.00
	submit information to Mr. Carey; organize information.	0.10	10.00
	C Meeting with Brian Abraham and Bray Cary. C Interview of Rob Alsop. Calendar Mr. Carey's meeting with Brian Abraham on	0.80 0.80	280.00 280.00
LA.	February 2, 2018, at 11:50 a.m. Calendar meeting with Woody Thrasher for February 5,	0.10	n/c
	2018, at 2:00 p.m.  Telephone conference with Woody Thrasher; phone call	0.10	n/c

Office of the Governor

Page: 2 02/28/2018 1636-001M 11315

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# Special General Counsel - Internal Investigation

			Hours	
	LA	with Debbie Browning. Type Mr. Carey's memo regarding questions and	0.10	35.00
	L/A	comments; submit draft to Mr. Carey.	0.50	n/c
02/05/2018		Interview of Woody Thrasher.	2.20	770.00
	LA	Travel with Mr. Carey to Capitol; attend meeting with Mr. Thrasher and Mr. Carey.	2.20	220.00
	MWC LA	Review Tri-State Shale agreement.  Type Mr. Carey's memo of interview of Rob Alsop; submit	0.10	35.00
	LA	draft to Mr. Carey.	1.00	n/c
02/06/2018	MWC	Review email from Bray Cary; phone conference with Bray Cary; review and revise memo of Alsop interview; review storage site analysis; dictate memo of interview of Woody		
	LA	Thrasher. Review and revise interview questions memo; review and	2.10	735.00
		revise memo of interview of Rob Alsop.	0.40	40.00
	LA	Check West Virginia Secretary of State site regarding Appalachia Development Group (prior incorporators,		
		articles, etcetera); search Matric information, Board of Directors, articles, etcetera; print and save to file.	0.80	80.00
	LA	Type additions and revisions to memos; submit same to Mr. Carey, with relating articles.	0.40	n/c
02/07/2018	MWC LA	Interview of Woody Thrasher. Transcribe memo of interview of Woody Thrasher; submit	0.70	245.00
	MWC	draft to Mr. Carey.  Telephone conference with Bray Cary and Brian Abraham,	1.30	n/c
	WIVVO	review various emails from reporter regarding potential conflict.	0.30	105.00
02/08/2018	MWC	Conference with Mr. Pogue and Mr. Bryant regarding	0.10	35.00
	DRP	Ethics Act research. Conference with Mr. Carey and Mr. Bryant regarding		
	DRP	research. Research regarding Ethics Act requirements; draft memo	0.10	27.50
		for Mr. Carey.	3.90	1,072.50
	DRP	Conference with Mr. Carey and Mr. Bryant regarding initial research results.	0.30	82.50
	SBB	Conference with Mr. Carey and Mr. Pogue; research West Virginia Ethics Commission opinions; Conference with Mr. Carey and Mr. Pogue.	1.50	525.00
	LA	Research regarding Steve Hedrick; check West Virginia Secretary of State site regarding Appalachia Development Group Annual Report; phone call to Secretary of State		
		regarding same; receive and review Annual Report.	0.50	50.00

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# Special General Counsel - Internal Investigation

LA   Conference with Mr. Carey; calendar meeting with Brian   Anderson for February 9, 2018 at 9:00 a.m.; type Mr.   Carey's timeline   0.90   n/c   MWC   Begin drafting timeline.   0.40   140.00   MWC   Review ADG White Paper.   0.20   70.00   70.00   MWC   Review ADG White Paper.   0.20   70.00   70.00   MWC   Review ADG White Paper.   0.20   70.00   70.00   MWC   Review multiple emails and attachments forwarded by   Bray Cary.   1.20   420.00   MWC   Review multiple emails and attachments from Hollie Hubbart.   0.10   35.00   MWC   Review memils and attachments from Hollie Hubbart.   0.20   70.00   MWC   Review memils are presented to business summit by Woody   Thrasher.   0.20   70.00   MWC   Review materials presented to business summit by Woody   Thrasher.   0.20   70.00   MWC   Review materials presented to business summit by Woody   Thrasher.   0.20   70.00   70.00   MWC   Review materials presented to business summit by Woody   Thrasher.   0.20   70.00   70.00   MWC   Review materials presented to business summit by Woody   Thrasher.   0.20   70.00   70.00   MWC   Review materials presented to business summit by Woody   Thrasher.   0.20   70.00				Hours	
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		LA		0.00	20.00

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# Statement No:

Special General Counsel - Internal Investigation

			Hours	
		meetings regarding special investigation; submit to Mr. Carey.	0.20	n/c
	LA	Telephone call with Hollie Hubbert regarding information about itinerary; submit information to Mr. Carey.	0.50	n/c
	LA	Calendar meetings today with Josh Jarrell and Debbie Browning.	0.10	n/c
	LA	Gather and organize documents for meetings; update conflicts time line; meeting with Debbie Browning and Josh	0.50	050.00
	BALA/O	Jarrell at the State Capitol.	2.50 0.10	250.00 35.00
		Telephone conference with Josh Jarrell.  Review multiple documents provided by Josh Jarrell.	0.10 0.60	210.00
	101000	Treview multiple documents provided by Josh Jairell.	0.00	210.00
02/13/2018	MWC	Meeting with Steve Hedrick, John Miesner and Ms. Smith;		
		meeting with Kris Hopkins and Ms. Smith.	3.50	1,225.00
	LA	Type Mr. Carey's additions and revisions to time line.	0.10	n/c
	LA	Meeting with Mr. Hedrick and Mr. Miesner; meeting with	2.50	250.00
	MANAGO	Kris Hopkins.	3.50 0.30	350.00 105.00
	LA	Update, review and revise timeline of events. Email opinion to Josh Jarrell; phone call from Steve	0.30	105.00
	LA	Hedrick regarding meeting; calendar same; print various		
		documents received from Josh Jarrell.	0.20	n/c
	LA	Check West Virginia Secretary of State and Google		
		regarding Enviro Labs and Joe Bozada; phone call to Brian		
		Anderson regarding documents and Mr. Carey's question		
		(voice message).	1.00	100.00
02/14/2018		Meeting with Steve Hedrick, John Miesner and Ms. Smith.	1.00	350.00
	MWC	Review documents sent by Brian Anderson; phone		
		conference with Brian Abraham; dictate, review and revise		
		memos of interviews.	3.30	1,155.00
	LA	Conference with Mr. Carey; phone call to Brian Anderson		
		(voice message); calendar meeting today at 3:00 p.m. with Steve Hedrick and John Miesner.	0.30	n/c
	LA	Type Mr. Carey's additions and revisions to memo of	0.50	11/0
	L/ (	interview of Brian Anderson.	0.30	n/c
	LA	Meeting with Steve Hedrick, John Miesner and Mr. Carey	0.00	,
		regarding additional questions.	1.00	100.00
	LA	Draft memo of interview of Debbie Browning; submit to Mr.		
		Carey.	0.80	80.00
	MWC	Review multiple emails and/or attachments from Brian		
		Abraham and Josh Jarrell.	0.40	140.00
	LA	Review and gather documents for meeting.	0.20	20.00
02/15/2018	MWC	Continue to dictate, review and revise memos of		
·		interviews; work on timelines; exchange emails with Kris		
		Hopkins regarding source of funds; exchange emails with		

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## Special General Counsel - Internal Investigation

		Josh Jarrell regarding purpose of flights; phone conference with Brian Anderson.	Hours	
	LA	; Print and save documents from Brian Abraham and Brian	4.10	1,435.00
	LA	Anderson; review all; submit to Mr. Carey; create travel timeline; create events timeline; revise events timeline.  Type additions and revisions to timeline; type second memo of interview of Mr. Thrasher; type memo of February 8, 2018 phone call with Mr. Thrasher; transcribe	4.30	430.00
		Mr. Carey's memos of interviews of Josh Jarrell and Kris Hopkins; submit drafts to Mr. Carey.	1.30	n/c
02/16/2018	MWC	Prepare for meeting with Governor's Office; meeting with Bray Cary and Brian Abraham, with Mike Hall joining later; phone conference with John Miesner; send email to Brian		
		Abraham.	5.60	1,960.00
	MWC LA	Review email from Josh Jarrell.  Transcribe memos of interviews of Steve Hedrick on February 13 and 14, 2018; submit drafts to Mr. Carey; gather and prepare documents for Mr. Carey's meeting	0.10	35.00
		with client today.	2.00	n/c
02/20/2018	LA	Telephone call from Brian Abraham regarding opinions from West Virginia Ethics Commission.	0.10	n/c
02/22/2018	LA	Email to Brian Abraham regarding Ethics Commission opinions.	0.10	n/c
02/26/2018	MWC	Telephone conference with Brian Abraham.	0.10	35.00
02/27/2018	LA	Meeting with Thom Kirk and others to discuss email	2.00	200.00
	MMC	search regarding investigation topics.  Meeting with Ms. Smith and investigators at Fusion Center.	2.00	700.00
		Review materials sent by Brian Abraham.	0.80	280.00
02/28/2018	LA	Gather documents to be provided to Thom Kirk; conference with Mr. Carey; scan and send all documents by email to Thom Kirk; email advisory opinion to Brian		
		Abraham.	0.80	80.00
	MWC		0.20	70.00
		For Current Services Rendered Total Non-billable Hours	79.40 11.60	20,490.00

# Recapitulation

<u>Timekeeper</u> Michael W. Carey

<u>Hours</u> 44.50

Office of the Governor

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11315

Special General Counsel - Internal Investigation

Timekeeper	<u>Hours</u>
David R. Pogue	5.00
S. Benjamin Bryant	2.20
Paralegal	27.70

### Expenses

01/31/2018 02/28/2018 02/28/2018 02/28/2018	Color Document Prints - 48 pages Document Prints - 590 pages Color Document Prints - 349 pages Thomson Reuters - Westlaw Research Total Expenses	16.80 147.50 122.15 <u>84.00</u> 370.45
	Total Current Work	20,860.45

Balance Due \$20,860.45